

Exhibit 56

Redacted Public Version

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

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NIKE, INC.,)
)
Plaintiff,)
)
vs.) No. 1:22-cv-00983-VEC
)
STOCKX LLC,)
)
Defendant.)
_____)

H I G H L Y C O N F I D E N T I A L
OUTSIDE ATTORNEYS' EYES ONLY
VIDEOTAPED DEPOSITION OF JOHN LOPEZ
SAN FRANCISCO, CALIFORNIA
THURSDAY, FEBRUARY 23, 2023

STENOGRAPHICALLY REPORTED BY:
ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~
CSR LICENSE NO. 9830
JOB NO. 5688745

<p style="text-align: right;">Page 2</p> <p>1 UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF NEW YORK 3 ---oOo--- 4 5 NIKE, INC.,) 6) 7 Plaintiff,) 8 vs.) No. 1:22-cv-00983-VEC 9 STOCKX LLC,) 10) 11 Defendant.) 12 _____) 13 14 Videotaped Deposition of John Lopez, taken 15 on behalf of the Plaintiff, Pursuant to Notice, on 16 Thursday, February 23, 2023, beginning at 17 9:27 a.m., and ending at 6:55 p.m., before me, 18 ANDREA M. IGNACIO, CSR, RPR, CCRR, CRR, CLR ~ 19 License No. 9830. 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 I N D E X 2 3 WITNESS: John Lopez 4 5 EXAMINATION PAGE 6 BY MR. MILLER 9 7 BY MR. FORD 296 8 9 E X H I B I T S 10 EXHIBIT PAGE 11 Exhibit 1 Plaintiff Nike, Inc.'s Amended 48 12 Notice of Deposition of John Lopez 13 Exhibit 2 Defendant's Objections and 48 14 Responses to Plaintiff's Second 15 Set of Interrogatories 16 Exhibit 3 Seasonal Authenticator at StockX 59 17 Exhibit 4 Authenticator at StockX 60 18 West Caldwell, NJ 19 Exhibit 5 Team Leader, Authentication and 60 20 Quality Assurance at StockX 21 Exhibit 6 Page Vault, Bates NIKE0006785 - 90 22 '89 23 Exhibit 7 Job Descriptions Sneaker 115 24 Authenticator I, II, III, Bates 25 STX0114754 - '57</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S: 2 3 FOR THE PLAINTIFF: 4 DLA PIPER 5 By: MARC E. MILLER, Esq. 6 GABRIELLE VELKES 7 1251 Avenue of the Americas, 27th Floor 8 New York, New York 10020 9 212.335.4500 10 marc.miller@us.dlapiper.com 11 12 FOR THE DEFENDANTS: 13 By: CHRISTOPHER S. FORD, Esq. 14 MAI-LEE PICARD, Esq. 15 650 California Street 16 San Francisco, California 94108 17 415.738.5705 18 csford@debevoise.com 19 20 ALSO PRESENT: Peter Yaroschuk, Videographer 21 Kevin Adams, StockX LLC 22 ---oOo--- 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 E X H I B I T S 2 EXHIBIT PAGE 3 Exhibit 8 Sneaker Authentication Standard 132 4 Operating Procedure, Bates 5 STX0752605 - '42 6 Exhibit 9 Planet Nike Deck, Bates 179 7 STX02033509 - '673 8 Exhibit 10 Nike Dunk Low Retro White Black 197 9 (2021), Bates STX0069511 - '24 10 Exhibit 11 Jordan 1 High OG SP Fragment 204 11 design x Travis Scott, Bates 12 STX0058653 - '69 13 Exhibit 12 Nike SB Dunk Low What The 204 14 Paul - Fake Comparison, Bates 15 STX0058670 - '93 16 Exhibit 13 12-18-20 Email Re: Auth App 209 17 Updates/Grateful Dead SB Breakdown 18 Bates STX0106086 - '87 19 Exhibit 14 10-18-21 Email Re: Weekly 216 20 Sneaker Product Update - 10/18 21 Bates STX0106315 - '16 22 Exhibit 15 2-1-22 - 3-1-22 Short Message 224 23 Report, Bates STX0076158 - '71 24 Exhibit 16 Authentication Project 240 25 Metrics/Data, Bates STX0018010 - '14</p>

<p style="text-align: right;">Page 6</p> <p>1 EXHIBITS</p> <p>2 EXHIBIT PAGE</p> <p>3 Exhibit 17 3-22-21 - 3-28-21 Outline of 250</p> <p>4 Conversations, Bates STX0545514</p> <p>5 - '30</p> <p>6 Exhibit 18 Authentication Failure Comms 265</p> <p>7 Policy, Bates STX0169271 - '72</p> <p>8 Exhibit 19 1-4-22 Email, Subject: Fake - 271</p> <p>9 return, ref for John to look</p> <p>10 into seller and checker, Bates</p> <p>11 ZK_NIKE_010019 - '29</p> <p>12 Exhibit 20 1-5-22 Email Re: Fake - return, 271</p> <p>13 ref for John to look into seller</p> <p>14 and checker, Bates ZK_NIKE_010032</p> <p>15 Exhibit 21 3-31-22 Email Re: Lots warning 277</p> <p>16 signs, Bates ZK_NIKE_010404 - '24</p> <p>17 Exhibit 22 3-31-22 Email Re: Lots warning 277</p> <p>18 signs, Bates ZK_NIKE_010428 - '29</p> <p>19 Exhibit 23 12-18-20 Email Re: ? Bates 277</p> <p>20 ZK_NIKE_007765 - '75</p> <p>21 Exhibit 24 12-22-20 Email Re: ? Bates 277</p> <p>22 ZK_NIKE_007780 - '81</p> <p>23 Exhibit 25 8-2-22 Email Re: Instagram post 285</p> <p>24 Bates STX0772942 - '45</p> <p>25 ---oOo---</p>	<p style="text-align: right;">Page 8</p> <p>1 Street, Suite 2400, San Francisco, California 94105.</p> <p>2 My name is Peter Yaroschuk from the firm</p> <p>3 Veritext. I am the videographer.</p> <p>4 The court reporter is Andrea Ignacio from the</p> <p>5 firm Veritext.</p> <p>6 I am not related to any party in this action,</p> <p>7 nor am I financially interested in the outcome.</p> <p>8 Counsel and all present, please now state</p> <p>9 your appearances and affiliations for the record.</p> <p>10 If there are any objections to proceeding,</p> <p>11 please state them at the time of your appearance,</p> <p>12 beginning with the noticing attorney.</p> <p>13 MR. MILLER: Good morning. This is Marc</p> <p>14 Miller from DLA Piper, on behalf of Plaintiff Nike</p> <p>15 Inc.</p> <p>16 And I'm joined by Gabby Velkes, also of</p> <p>17 DLA Piper.</p> <p>18 MR. FORD: Christopher Ford, Debevoise &</p> <p>19 Plimpton, on behalf of defendant StockX.</p> <p>20 With me are my colleague Mai-Lee Picard, and</p> <p>21 Kevin Adams with in-house counsel at StockX.</p> <p>22 THE VIDEOGRAPHER: Thank you.</p> <p>23 Will the court reporter please swear in the</p> <p>24 witness.</p> <p>25</p>
<p style="text-align: right;">Page 7</p> <p>1 DEPOSITION PROCEEDINGS</p> <p>2 THURSDAY, FEBRUARY 23, 2023</p> <p>3 ---oOo---</p> <p>4</p> <p>5</p> <p>6 THE VIDEOGRAPHER: Good morning. We are</p> <p>7 going on the record at 9:27 a.m. on February 23rd, 0</p> <p>8 2023.</p> <p>9 Please note that microphones are sensitive</p> <p>10 and may pick up whispering, private conversations, and</p> <p>11 cellular interference.</p> <p>12 Please turn off all cell phones or place them</p> <p>13 away from the microphones, as they can interfere with</p> <p>14 the deposition audio.</p> <p>15 Audio and video recording will continue to</p> <p>16 take place unless all parties agree to go off the</p> <p>17 record.</p> <p>18 This is Media 1 of the video-recorded</p> <p>19 deposition of John Lopez. Taken by counsel for</p> <p>20 Plaintiff.</p> <p>21 In the matter of Nike Incorporated versus</p> <p>22 StockX LLC. Filed in the United States District Court</p> <p>23 for the Southern District of New York. Case number is</p> <p>24 122-CV-00983 VEC.</p> <p>25 This deposition is being held at 555 Mission</p>	<p style="text-align: right;">Page 9</p> <p>1 JOHN LOPEZ,</p> <p>2 having been first duly sworn</p> <p>3 by the Certified Court Reporter,</p> <p>4 testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. MILLER:</p> <p>8 Q Good morning, Mr. Lopez.</p> <p>9 A Good morning.</p> <p>10 Q My name is Marc Miller. I represent the</p> <p>11 plaintiff Nike in this case. Thank you for coming in.</p> <p>12 So I just want to go over a couple of ground</p> <p>13 rules that your counsel may have advised you of.</p> <p>14 First, let me ask you: Have you ever had</p> <p>15 your deposition taken before?</p> <p>16 A No, I have not.</p> <p>17 Q Okay. So our purpose here is for me to ask</p> <p>18 you some questions. You need to answer those</p> <p>19 questions to the best of your ability by telling the</p> <p>20 truth, the whole truth, and nothing but the truth, as</p> <p>21 you just took an oath to do.</p> <p>22 A Sure.</p> <p>23 Q If you don't hear a question that I've asked,</p> <p>24 please let me know, and I'll be happy to repeat it.</p> <p>25 If don't understand my question for some</p>

3 (Pages 6 - 9)

Page 40

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Page 41

[illegible]

Page 106

[REDACTED]

Page 108

[REDACTED]

Page 107

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Page 109

[REDACTED]

Page 110

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8 Q What do you mean by "defect"?

9 A Defect is a broad term. But essentially,
10 it's a manufacturing issue that is caught at the
11 authentication process.

12 Q And can you be more specific by what you mean
13 with "manufacturing issue"?

14 A I don't know how else to put it.

15 Would you like some examples?

16 Q Sure.

17 A An example would be a glue stain -- a
18 noticeable glue stain on a sneaker. Poor aging or
19 poor storage. So if one of our sellers leaves a shoe
20 out in -- in -- in the sun or it gets yellow, that is
21 something we deem as a defect or a non-passable
22 defect, and so on and so forth.

23 Q Is that a manufacturing issue?

24 A In that example that I gave, no, that would
25 not be.

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1 Q Okay. So other than a glue stain, what other
2 manufacturing issue examples can you please provide?

3 A Another example would be a stitching defect,
4 either a loose stitching or a missing stitching.
5 Other examples could be heavy creasing, either on a
6 toebox or a heel, without the shoe being worn.

7 Q Any others?

8 A Nothing I can think of right now.

Let me ask it a

29 (Pages 110 - 113)

Page 126

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Page 128

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Page 127

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Page 129

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Page 130

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q So StockX receives products in authentication
9 centers for Nike shoes before they are released
10 through Nike.com website or the sneakers app?
11 MR. FORD: Objection to the form of the
12 question.
13 THE WITNESS: StockX does receive pairs --
14 pairs before they are released by Nike.com, yes.
15 MR. MILLER: Q. How does that happen?
16 MR. FORD: Objection --
17 MR. MILLER: Q. Where do they come from?
18 MR. FORD: Objection to form.
19 THE WITNESS: I cannot say where they are
20 coming from, but they are coming from our sellers on
21 the platform.
22 MR. MILLER: Q. Do you know how sellers on
23 StockX's platform obtain pairs of Nike shoes before
24 they are released by Nike through the Nike.com website
25 or the sneakers app?

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1 A I do not.
2 Q Do you know if that happens for every Nike
3 shoe that's going to be released into the market?
4 MR. FORD: Objection to the form.
5 THE WITNESS: Can you rephrase that, please.
6 MR. MILLER: Q. Do you know how often
7 sellers on StockX's platform will send pairs of Nike
8 shoes before the release date on the Nike.com platform
9 or sneakers app?
10 MR. FORD: Objection to form.
11 THE WITNESS: I don't know. I don't have an
12 answer for the amount.
13 MR. MILLER: Q. Would you say it happens
14 regularly?
15 A Define what you mean by "regularly."
16 Q If we're talking about ten releases of Nike
17 shoes, ten different pairs, of those ten, how often
18 will StockX receive product in its authentication
19 centers before the Nike.com or sneakers app release
20 date?
21 MR. FORD: Objection to the form.
22 THE WITNESS: Yeah, I would not be able to
23 put an exact number on that.
24 MR. MILLER: Q. Would you be able to
25 estimate?

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1 A No --
2 MR. FORD: Same --
3 THE WITNESS: -- I would not.
4 MR. FORD: Same objection.
5 THE WITNESS: Yeah.
6 MR. MILLER: Q. You don't know one way or
7 the other?
8 A I -- I would not be able to speculate on
9 that.
10 (Document marked Exhibit 8
11 for identification.)
12 MR. MILLER: All right.
13 Q Mr. Lopez, you've been handed a document by
14 the court reporter marked as Exhibit 8. It is bearing
15 Bates Nos. STX0752605 through '752642.
16 Do you see that?
17 A I do, yes.
18 Q Do you recognize this document?
19 A I do, yes.
20 Q What is this?

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<p>Page 198</p> <p>[REDACTED]</p>	<p>Page 200</p> <p>[REDACTED]</p>
<p>Page 199</p> <p>[REDACTED]</p>	<p>Page 201</p> <p>[REDACTED]</p>

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Page 255

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Page 257

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Page 258

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Page 260

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Page 259

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Page 261

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<p>Page 262</p> <p>[REDACTED]</p>	<p>Page 264</p> <p>[REDACTED]</p>
<p>Page 263</p> <p>[REDACTED]</p>	<p>Page 265</p> <p>[REDACTED]</p> <p>12 MR. MILLER: You can put that document aside.</p> <p>13 Let's just go off the record. Take another</p> <p>14 short break.</p> <p>15 THE VIDEOGRAPHER: This marks the end of</p> <p>16 Media No. 6 in the deposition of John Lopez.</p> <p>17 The time is 5:41 p.m. We are off the record.</p> <p>18 (Recess taken.)</p> <p>19 THE VIDEOGRAPHER: This marks the beginning</p> <p>20 of Media No. 7 in the deposition of John Lopez.</p> <p>21 The time is 5:53 p.m. We are on the record.</p> <p>22 (Document marked Exhibit 18</p> <p>23 for identification.)</p> <p>24 MR. MILLER: All right.</p> <p>25 Q Mr. Lopez, you've been handed a document</p>

67 (Pages 262 - 265)

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Deposition Date: 2/23/2023**Deponent: John Lopez – Errata Sheet****Case Name: Nike, Inc. v. StockX LLC, No. 22 CV 983 (VC)**

Page(s): Line(s)	Now Reads	Should Read	Reason
12:4	employee team member	employee or team member	Transcription Error
33:9	a numerous of things	numerous things	Clarification
103:4	to base it or represent	to base around that	Transcription Error
103:11-12	products that we received	products that we receive	Transcription Error
104:18	we do pull data	we do hold data	Transcription Error
106:17	a specific product has gone	a specific product has gotten	Transcription Error
111:12	any quality issue	any quality issues	Transcription Error
122:4	I can speak in authentication	I can speak on authentication	Transcription Error
134:10	I cannot cite	I cannot say	Transcription Error
144:1	That is used	It is used	Transcription Error

DocuSign Envelope ID: D76033C8-FE77-45F4-8F77-1BC36ADFA851

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Page(s): Line(s)	Now Reads	Should Read	Reason
148:23-24	appear an inauthentic or suspect an inauthentic product	appear in an inauthentic or suspected inauthentic product	Transcription Error
157:24-25	I would say it is part of the storytelling if something is suspected inauthentic.	I would say it is part of the story telling if something is suspected inauthentic.	Transcription Error
163:15	authentic products would come from	authentic products would smell like	Clarification
168:4	Objection.	Objection to form	Transcription Error
171:18	troubling an issue	troubling a shoe	Transcription Error
180:17-18	I'm not -- going to direct you not to discuss	I'm going to direct you not to discuss	Clarification
188:8-9	shoes matching up. Again, that's the size and the style code is correct.	shoes matching up, again, that the size and the style code is correct.	Transcription Error
210:18	currently on practice	currently in practice	Transcription Error
254:14	call their SOP	follow their SOP	Transcription Error

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Page(s): Line(s)	Now Reads	Should Read	Reason
271:22	No. ZKNIKE010019 , and Exhibit 20 is ZKNIKE010032 .	No. ZK_NIKE_010019 , and Exhibit 20 is ZK_NIKE_010032 .	Typographical Error
275:12	Just this right here .	Just, say, this entire region .	Transcription Error
279:3	Cool Gray Jordan 11	Cool Grey Jordan 11	Typographical Error
280:11	on towards the upper	towards the upper	Clarification
280:21	Cool Gray Jordan 11	Cool Grey Jordan 11	Typographical Error

I, John Lopez, do hereby certify under penalty of perjury that I have read the foregoing transcript of my deposition taken on February 23, 2023; that I have made such corrections as appear noted herein; and that my testimony as contained herein, as corrected, is true and correct.

DATED this 24th day of March, 2023.

DocuSigned by:



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John Lopez